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10 Attorneys for Defendants Romi Mayder, Wesley Mayder,
Silicon Test Systems Inc., and Silicon Test Solutions LLC

11 United States District Court
12 Northern District of California, San Jose Division

13 VERIGY U.S. INC., a Delaware corporation)

14 Plaintiff,)

15 vs.)

16 ROMI OMAR MAYDER, an individual;)
17 WESLEY MAYDER, an individual;)
18 SILICON TEST SYSTEMS INC., a)
California corporation; SILICON TEST)
19 SOLUTIONS LLC, a California limited)
liability corporation,)
20)

21 Defendants.)
22)
23)
24)
25)
26)
27)
28)

Case No. 5:07-cv-04330 (RMW) (HRL)

**Defendants' Administrative Motion to Remove
Incorrectly Filed Document, Docket No. 56**

Judge: Hon. Ronald M. Whyte

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In this case, Verigy alleges that the defendants misappropriated its trade secrets. Naturally, many papers filed in this case discuss the parties' confidential and trade-secret information. To safeguard the confidentiality of that information, both parties have designated many documents as "Confidential" or "Highly Confidential" and filed papers under seal for the court's consideration.

The Defendants now request a court order permanently removing the incorrectly filed document and substituting the corrected version in its place.

On October 11, 2007, the Defendants submitted their Brief in Response to Order to Show Cause Re Preliminary Injunction (Docket No. 49) and supporting documents. The brief and many of its supporting documents contain information that both parties have designated "Confidential" or "Highly Confidential — Attorneys' Eyes Only" pursuant to the Stipulated Protective Order (Docket No. 28).

The next morning, the Defendants' counsel realized that a portion Exhibit C was inadvertently left in the redacted, publicly e-filed version of Mr. Schneck's declaration. Dan Fingerma n, one of the Defendants' attorneys of record, took immediate action to shield that document from public view. He

1 telephoned the e-filing help desk and explained the error. The e-filing staff placed a temporary
2 "lock" on the document and asked that a corrected version be e-filed.¹

3 Mr. Fingerma promptly e-filed a corrected version of the redacted declaration and its
4 exhibits (Docket No. 58). Mr. Fingerma also promptly notified opposing counsel of the error and
5 the steps being undertaken to correct it.²

6 A temporary "lock" remains on Docket No. 56. A corrected version has been filed as Docket
7 No. 58. The Defendants now request a court order permanently removing Docket No. 56 from the
8 record and recognizing that Docket No. 58 is a corrected version of that document.

9 The Defendants also request that this inadvertent error not be deemed a waiver of the Highly
10 Confidential status of the document in question. The Defendants immediately notified opposing
11 counsel of the error and invoked ¶ 5.3 of the Stipulated Protective Order to designate the document in
12 question as "Highly Confidential — Attorneys Eyes Only."

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14 Dated: October 12, 2007

Mount & Stoelker, P.C.
Daniel H. Fingerma

/s/

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16 Attorneys for Defendants Romi Mayder, Wesley Mayder,
Silicon Test Systems Inc., and Silicon Test Solutions LLC

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28 ¹ See Fingerma Declaration at ¶¶ 5–8 and Exhibits 1 and 2

² See Fingerma Declaration at ¶ 9 and Exhibit 3